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**ELECTION UNDER 35 USC §12** 

**Examining Group 3738** Patent Application

Docket No. GJE-30

Serial No. 09/297,4866

Doran R. Pace, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner

Alvin Stewart

Art Unit

3738

**Applicants** 

John Francis Martin, Seppo Yla-Herttuala, Stephen George Edward Barker

Serial No.

09/297,486

Filed

April 30, 1999

For

Therapeutic Use of an Agent That Stimulates NO or Prostacyclin Production

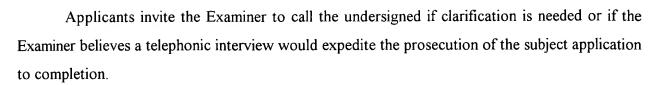
and Delivery Device

**Assistant Commissioner for Patents** Washington, D.C. 20231

## ELECTION UNDER 35 USC §121

Sir:

In response to the written Restriction Requirement dated September 25, 2000 in the aboveidentified patent application, Applicants hereby elect to prosecute the invention of Group I (claims 1-15), without traverse. Applicants wish to point out that claims 1-38 are pending in the subject application and that new claims 37 (which depends from claim 15) and 38 (which depends from claim 32) were added by Preliminary Amendment when the application was filed. However, claims 37 and 38 were not included in the Examiner's written Restriction Requirement. Applicants believe that new claim 37 would be restricted to Group I based on the Examiner's description of the subject matter in the outstanding Restriction Requirement and based on its dependency to claim 15. Applicants respectfully request that claim 37 be considered in Group I for examination in the subject application.



Respectfully submitted,

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